

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMORANDUM ENDORSED

-----X		
BRYAN FERNANDEZ, et al.,	:	
	:	
Plaintiffs,	:	16 Civ. 2762 (GWG)
	:	
-v.-	:	<u>ORDER TO SHOW</u>
	:	<u>CAUSE</u>
HR PARKING INC., et al.,	:	
	:	
Defendants.	:	
-----X		

GABRIEL W. GORENSTEIN, United States Magistrate Judge

On March 17, 2020, the Court granted the application of David Sherr and John Gurrieri to withdraw as counsel for plaintiff Naiim Flowers. Docket # 119. A copy of the March 17, 2020 Order was mailed to Mr. Flowers. In addition, The Court instructed Mr. Flowers to file a letter to the Court on or before April 2, 2020, confirming that he wished to proceed with this case. The Court warned Mr. Flowers that failure to file such a letter may result in dismissal of his case. No letter was filed by Mr. Flowers.

Given the lack of a response by Mr. Flowers to the Court's previous Order, Mr. Flowers is ordered to show cause why his case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Mr. Flowers must file his response to this Order by no later than May 22, 2020, and is once again warned that failure to respond to this Order may result in dismissal of his case.

Mr. Flowers may file his response by email by sending it in pdf form to Temporary_Pro_Se_Filing@nysd.uscourts.gov. In the alternative, the response may be mailed to Pro Se Docketing, 500 Pearl Street, New York, NY 10007. The Court also notes that the Pro Se Intake Unit at the United States Courthouse, 40 Centre Street, Room 105, New York, New York ((212) 805-0175) may be of assistance to Mr. Flowers in connection with court procedures.

The Clerk of Court is directed to mail this Order to Naiim Flowers.

So Ordered.

Dated: April 28, 2020
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

We have considered all of the factors relevant to dismissal for failure to prosecute under Fed. R. Civ. P. 41. See Baptiste v. Sommers, 768 F.3d 212, 216 (2d Cir. 2014). In light of Naiim Flowers' failure to keep in contact with counsel, his failure to respond to multiple court orders, the continuing nature of these failures, the prejudice that would result if the case were delayed to allow his appearance, and the lack of any suggestion that a lesser sanction would be effective, the Court hereby dismisses the claims of Naiim Flowers for failure to prosecute under Rule 41.

So ordered.

Dated: June 10, 2020



GABRIEL W. GORENSTEIN
United States Magistrate Judge